APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,495	07/29/2003	David W. Dorris	047581/262922	6732

826   7590   12/11/2008
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER
SQUIRES, ELIZA A

ART UNIT	PAPER NUMBER
3626	

MAIL DATE	DELIVERY MODE
12/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/629,495	DORRIS, DAVID W.
	Examiner	Art Unit	
	Eliza Squires	4156	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 July 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 July 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/29/2003</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This communication is in response to the application filed on 7/29/2003. Claims 1-20

are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-20 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claims 15-20 recite "computer program

product" and are drawn to software which is not a statutory category of invention.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claims 1, 5, 6-8, and 12-14** are rejected under 35 U.S.C. 103(a) as being

unpatentable over "Who's Afraid of Lifetime Electronic Medical Records?" by *Shabo et*

al. in view of "Workflow – Replacing Flexbuilder and Alerts for Oracle Applications" by

Tate.

3.   **As to claim 1,** *Shabo* discloses a method for managing at least one patient

record, each patient record including patient information, the method comprising:

receiving, into a patient processor, patient information for a patient record; storing

the received patient information (*Shabo* page 6);

determining, from an administrator processor, whether to accept or reject the

patient information (*Shabo* page 6 and 7 and figure 2 and 3); and

storing the patient information in an electronic database if the patient information

is accepted (*Shabo* page 6 and 7 and figure 2 and 3).

However, *Shabo* does not explicitly teach that the received patient information is

stored in a queue. *Tate* teaches a method wherein:

receiving, into a processor, information for a record; storing the received

information in a queue (*Tate* "Workflow Overview" section step 1 "The employee enters

an expense report into the system" wherein a queue is a group of "notifications" see

"Workflow Terms" section);

determining, from an administrator processor, whether to accept or reject the

information in the queue (*Tate* "Workflow Overview" section step 3); and

storing the information in an electronic database if the information is accepted

(*Tate* "Overview" section step 4).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the medical record bank system of *Shabo* with the determination of

accepting or rejecting information entered in a queue of *Tate* since the combination

would improve the ability of the individual to accept or reject multiple records so that

medical records could be more tightly monitored insuring better privacy and record

integrity.

4.   **As to claim 5,** see the discussion of claim 1, additionally *Shabo* discloses a

method wherein storing the received patient information comprises storing the received

patient information located remote from the patient processor across a network (*Shabo*

page 6 wherein a network is the internet as in Figure 2), wherein determining whether to

accept or reject the patient information comprises determining, from an administrator

processor located remote from the patient processor across the network, whether to

accept or reject the patient information, and wherein storing the patient information

comprises storing the patient information in an electronic database located remote from

the patient processor across the network (*Shabo* page 6 and 7 and figure 2 and 3).

        However, *Shabo* does not explicitly teach that the received patient information is

stored in a queue. *Tate* teaches information stored in a queue (*Tate* "Workflow

Overview" section   step 1. "The employee enters an expense report into the system"

wherein a queue is a group of "notifications" see "Workflow Terms" section).

5.   **As to claim 6,** see the discussion of claim 1, additionally, *Shabo* discloses a

method further comprising:

        accessing, from the patient processor, a patient record from the electronic

database, wherein receiving patient information comprises receiving at least one

modification to at least a portion of the patient information in the accessed patient

record (*Shabo* pages 6 and 7).

6.   **As to claim 7,** see the discussion of claim 1, additionally, *Shabo* discloses a
method further comprising:

accessing insurance claim information associated with a patient record (*Shabo*
page 6).

7.   **As to claim 8,** *Shabo* discloses a system for managing at least one patient
record, each patient record including patient information, the system comprising:

a patient processor capable of receiving patient information for a patient record,
wherein the patient processor is capable of storing the received patient information
(*Shabo* page 6);

an administrator processor coupled to the patient processor across a network,
wherein the administrator processor is capable of receiving a determination whether to
accept or reject the patient information (*Shabo* page 6 and 7 and figure 2 and 3); and

an electronic database coupled to the administrator processor, wherein the
electronic database is capable of storing the patient information if the patient information
is accepted (*Shabo* page 6 and 7 and figure 2 and 3).

However, *Shabo* does not explicitly teach that the received patient information is
stored in a queue. *Tate* teaches a system wherein:

a processor capable of receiving information for a record, wherein the processor
is capable of storing the received information in a queue (*Tate* "Workflow Overview"
section   step 1 "The employee enters an expense report into the system" wherein a
queue is a group of "notifications" see "Workflow Terms" section);

an administrator processor coupled to the processor across a network, wherein the administrator processor is capable of receiving a determination whether to accept or reject the information in the queue (*Tate* "Workflow Overview" section step 3); and

an electronic database coupled to the administrator processor, wherein the electronic database is capable of storing the information if the information is accepted (*Tate* "Overview" section step 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the medical record bank system of *Shabo* with the determination of accepting or rejecting information entered in a queue of *Tate* since the combination would improve the ability of the individual to accept or reject multiple records so that medical records could be more tightly monitored insuring better privacy and record integrity.

8.   **As to claim 12,** see the discussion of claim 8, additionally *Shabo* discloses a system further comprising the information, wherein the information is located remote from the patient processor across the network, and wherein the electronic database is located remote from the patient processor across the network (*Shabo* page 6 and 7 and figure 2 and 3).

However, *Shabo* does not explicitly teach that the received patient information is stored in a queue. *Tate* teaches information stored in a queue (*Tate* "Workflow Overview" section   step 1. "The employee enters an expense report into the system" wherein a queue is a group of "notifications" see "Workflow Terms" section)

9.   **As to claim 13,** see the discussion of claim 8, additionally *Shabo* discloses a

system wherein the electronic database is capable of storing at least one patient record,

wherein the patient processor is capable of accessing a patient record from the

electronic database, and thereafter receiving patient information including at least one

modification to at least a portion of the patient information in the accessed patient

record (*Shabo* pages 6 and 7).

10.   **As to claim 14,** see the discussion of claim 8, additionally *Shabo* discloses a

system wherein the electronic database is capable of storing insurance claim

information associated with at least one patient record, and wherein the patient

processor is capable of accessing the insurance claim information associated with at

least one patient record (*Shabo* pages 6).

11.   **Claim 2 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Shabo* in view of *Tate* in further view of U.S. Patent No. 6,430,608 to *Shaio*.

12.   **As to claim 2,** *Shabo* and *Tate* in combination disclose the method substantially as claimed in claim 1; however, the references do not explicitly teach deleting the rejected information from the queue. *Shaio* discloses a method further comprising:

deleting the information from the queue, wherein the information is deleted from the queue after determining whether to accept or reject the information if the information is rejected, and after storing the patient information if the information is accepted (*Shaio* column 5 lines 60-67 and column 6 lines 1-23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the patient information queue of *Shabo* and *Tate* with the deletion of rejected information from a queue of *Shaio* since the combination would improve system recourses by freeing up disk space by removing unnecessary information.

As to claim 9, *Shabo* and *Tate* in combination disclose the system substantially as claimed in claim 8; however, the references do not explicitly teach deleting the rejected information from the queue. *Shaio* discloses a system wherein the administrator processor is also capable of deleting the patient information from the queue after receiving the determination if the patient information is rejected, and after storing the patient information if the patient information is accepted (*Shaio* column 5 lines 60-67 and column 6 lines 1-23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the patient information queue of *Shabo* and *Tate* with the deletion of

rejected information from a queue of *Shaio* since the combination would improve

system recourses by freeing up disk space by removing unnecessary information.

13.   **Claim 3 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over
Shabo in view of *Tate* in further view of U.S. Patent No. 6,047,259 to *Campbell et al.*

14.   **As to claim 3,** *Shabo* and *Tate* in combination disclose the method substantially
as claimed in claim 1; however, the references do not explicitly teach that accepting or
rejecting patient information is based upon a verification.

 Campbell discloses a method further comprising: verifying the patient information
before determining whether to accept or reject the patient information, wherein
determining whether to accept or reject the patient information is based upon the
verification (*Campbell* figure 8, column 2 lines 65-67, and column 16 lines 15-29).

 It would have been obvious to one of ordinary skill in the art at the time of the
invention to modify the method of *Shabo* and *Tate* with *Campbell* since a verification of
information improves the reliability of information stored in the system.

15.   **As to claim 10,** *Shabo* and *Tate* in combination disclose the system substantially
as claimed in claim 8; however, the references do not explicitly teach that accepting or
rejecting patient information is based upon a verification.

 Campbell discloses a system wherein the administrator processor is capable of
driving a display to present the received patient information such that the received
patient information can be verified before the administrator processor receives the
determination (*Campbell* figures 8 and 1, column 2 lines 65-67, and column 16 lines 15-
29).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the system of *Shabo* and *Tate* with *Campbell* since a verification of

information improves the reliability of information stored in the system.

16.   **Claim 4 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shabo in view of *Tate* in further view of U.S. Patent Application 2002/0095315 to *Redel*.

17.   **As to claim 4,** *Shabo* and *Tate* in combination disclose the method substantially

as claimed in claim 1; however, the references do not explicitly teach an electronic

confirmation system.

Redel discloses a method wherein the electronic database is capable of storing

at least one patient record including patient information having at least one

appointment, and wherein the method further comprises:

accessing at least one appointment from patient information in a patient record

stored in the electronic database (*Redel* paragraphs [0015]-[0017]); and

electronically confirming the at least one appointment (*Redel* paragraphs [0015]-

[0017]).

It would have been obvious to one of ordinary still in the art to include in the

patient information storage system of *Shabo* and *Tate* an electronic appointment

confirmation system as taught by *Redel* since the claimed invention is merely a

combination of old elements, and in the combination each element merely would have

performed the same function as it did separately, and one of ordinary skill in the art

would have recognized that the results of the combination were predictable.

18.   **As to claim 14,** *Shabo* and *Tate* in combination disclose the system substantially

as claimed in claim 8; however, the references do not explicitly teach an electronic

confirmation system.

Redel discloses a system wherein the electronic database is capable of storing

appointment information associated with at least one patient record and wherein the

patient processor is capable of accessing the at least one of appointment information

(*Redel* paragraphs [0015]-[0017]).

It would have been obvious to one of ordinary still in the art to include in the

patient information storage system of *Shabo* and *Tate* an electronic appointment

confirmation system as taught by *Redel* since the claimed invention is merely a

combination of old elements, and in the combination each element merely would have

performed the same function as it did separately, and one of ordinary skill in the art

would have recognized that the results of the combination were predictable.

19.   **Claims 15 and 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable

over *Shabo* in view of *Tate* in further view of U.S. Patent No. 6,272,472 to *Danneels et*

al.

20.   **As to claim 15,** *Shabo* discloses a computer program product for managing at

least one patient record, each patient record including patient information, the computer

program product

comprising:

an portion for receiving, into a patient processor, patient information for a patient

record (*Shabo* page 6);

an portion for storing the received patient information (*Shabo* page 6);

an executable portion for receiving a determination, from an administrator

processor, whether to accept or reject the patient information (*Shabo* page 6 and 7 and

figure 2 and 3); and

an executable portion for storing the patient information in an electronic

database if the patient information is accepted (*Shabo* page 6 and 7 and figure 2 and 3).

However, *Shabo* does not explicitly teach that the received patient information is

stored in a queue. *Tate* teaches a system wherein:

an executable portion for receiving, into a processor, information for a record

(*Tate* "Workflow Overview" section step 1 "The employee enters an expense report into

the system" wherein a queue is a group of "notifications" see "Workflow Terms"

section);

an executable portion for storing the received information in a queue (*Tate* "Workflow Overview" section step 1);

an executable portion for receiving a determination, from an administrator processor, whether to accept or reject the information in the queue (*Tate* "Workflow Overview" section step 3); and

an executable portion for storing the patient information in an electronic database if the patient information is accepted (*Tate* "Overview" section step 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the medical record bank system of *Shabo* with the determination of accepting or rejecting information entered in a queue of *Tate* since the combination would improve the ability of the individual to accept or reject multiple records so that medical records could be more tightly monitored insuring better privacy and record integrity.

However the references do not explicitly teach a computer-readable storage medium having computer readable program code portions stored therein. *Danneels*, teaches a computer-implemented method realized as one or more programs [executable codes] on a computer (see column 2, lines 40-46 of *Danneels*) In addition, *Danneels* teaches that the programs are storable on a computer-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of *Danneels*). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of *Shabo* and *Tate* as one of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and

installation and execution of the software on another computer (see column 7, lines 46-49 of *Danneels*).

21.   **As to claim 19,** see the discussion of claim 15, additionally, *Shabo* discloses A computer program product comprising:

an executable portion for accessing, from the patient processor, a patient record from the electronic database, wherein the first executable portion receives patient information comprising at least one modification to at least a portion of the patient information in the accessed patient record (*Shabo* pages 6 and 7).

22.   **As to claim 20,** see the discussion of claim 15, additionally *Shabo* further discloses a computer program product further comprising:

an executable portion for accessing insurance claim information associated with a patient record (*Shabo* pages 6).

23.   **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Shabo*

in view of *Tate* in further view of *Danneels* in further view of *Shaio*.

24.   **As to claim 16,** *Shabo, Tate,* and *Danneels* in combination disclose the system

substantially as claimed in claim 15; however, the references do not explicitly teach

deleting the rejected information from the queue. *Shaio* discloses a system further

comprising:

a portion for deleting the patient information from the queue after determining

whether to accept or reject the patient information if the patient information is rejected,

and after storing the patient information if the patient information is accepted (*Shaio*

column 5 lines 60-67 and column 6 lines 1-23).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the patient information queue of *Shabo* and *Tate* with the deletion of

rejected information from a queue of *Shaio* since the combination would improve

system recourses by freeing up disk space by removing unnecessary information.

25.   **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Shabo*
in view of *Tate* in further view of *Danneels* in further view of *Campbell*.

26.   **As to claim 17,** *Shabo, Tate,* and *Danneels* in combination disclose the system
substantially as claimed in claim 15; however, the references do not explicitly teach
accepting or rejecting patient information is based upon a verification.

        Campbell discloses a computer program further comprising:

        an executable portion driving a display to present the received patient information
such that the received patient information can be verified before the third executable
portion receives the determination (*Campbell* figures 8 and 1, column 2 lines 65-67, and
column 16 lines 15-29).

        It would have been obvious to one of ordinary skill in the art at the time of the
invention to modify the system of *Shabo* and *Tate* with *Campbell* since a verification of
information improves the reliability of information stored in the system.

27.   **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Shabo*

in view of *Tate* in further view of *Danneels* in further view of *Redel.*

28.   **As to claim 18,** *Shabo, Tate,* and *Danneels* in combination disclose the system

substantially as claimed in claim 15; however, the references do not explicitly teach an

electronic confirmation system.

   Redel discloses a computer program wherein the computer program further

comprises:

   an executable portion for accessing at least one appointment from the patient

information in a patient record stored in the electronic database (*Redel* paragraphs

[0015]-[0017]); and

   an executable portion for receiving a confirmation of the at least one appointment

(*Redel* paragraphs [0015]-[0017]).

   It would have been obvious to one of ordinary still in the art to include in the

patient information storage system of *Shabo* and *Tate* an electronic appointment

confirmation system as taught by *Redel* since the claimed invention is merely a

combination of old elements, and in the combination each element merely would have

performed the same function as it did separately, and one of ordinary skill in the art

would have recognized that the results of the combination were predictable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eliza Squires whose telephone number is (571)270-7052. The examiner can normally be reached on Monday through Friday 8 am - 4 pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. S./
Examiner, Art Unit 4156
12/2/08

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 4156